

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of May 6, 2014 Meeting

Present: David DeAngelis-Chair, Mark Enander, Lori Lyle, Stephen Kearns, Robert Oster, Town Solicitor

Excused: John Bart/John Barr

Minutes

Motion made by Member Kearns to accept the April 2014 Minutes as presented. Motion seconded by Member Lyle. Motion carried by all present.

Correspondence

None

Applications:

Judith Moneghan, 1083 Great Road, Lincoln, RI – Application for Special Use Permit to construct an addition with an accessory family dwelling unit.

AP 29, Lot 11 Zoned: RS 12/RS 20

Member Oster recused himself from this application as applicant is a neighbor and client. This resulted in a lack of quorum and

application was continued to the June agenda.

Motion made by Chairman DeAngelis to continue the application to the June agenda. Motion seconded by Member Enander. Motion carried by all present with Member Oster recusing himself from the vote.

Waterloo Way LLC, 3900 NW 2nd Avenue, Miami, FL – Application for Special Use Permit for indoor recreational use in an industrial facility located at 100 Higginson Avenue, Lincoln, RI.

AP1, Lot 133 Zoned: MG 05

Represented by: John Shekarchi, Esquire, 132 Old River Road, Lincoln, RI

Members Lyle and Oster sitting as alternates.

Application was originally heard at the April meeting and continued so applicant could obtain clarification on parking issues and function of the business. Board members also requested a representative be present to explain how the business would function at the proposed site. Members Bart and Barr sat at the April meeting but are not present this evening.

Chairman read into the record standards that need to be met for a Dimensional Variance and Special Use Permit.

Proposed location is the old Collyer building. Applicant wants to

lease the space to operate an indoor racing track. Applicant has amended their application from last month to address operation of the facility and parking relief. Applicant submitted into the record as Exhibit #1 a pamphlet showing facility at another location.

Witness:

Hank Sorenson, Co-Owner of Audubon Indoor Speedway

Facility in Maryland was formed in 2012 and opened May 2013. Size is 61,000 square feet and has 33-35 employees. Function of business is for public to ride and drive go-carts and offers corporate functions. 12,000 square feet is set aside for spectator viewing. They use barriers for safety of drivers. Each cart has a three point harness which is mandated for the driver to be buckled in.

Carts at the proposed Lincoln facility will be electric with no pollution and are quieter than combustion engines. Hours of operation will be Monday through Thursday 11:00am to 1:00pm/Friday 11:00am to midnight; Saturday 10:00am to midnight; and Sunday 10:00 am to 8:00pm. There will be no more than 50 people in the building during peak time and a typical age of drivers is 20-40 years of age. There will also be go-cars for younger children. May have snacks and beverages on site but this has not been confirmed.

Witness

Michael Hezeman, Owner of Maryland facility

Facility was built in 1995 and is specific for indoor tracks. He is

knowledgeable with track requirements. The Maryland facility is still using gas cars but plans to convert to electric carts in one to two years. The Boston facility is also still using gas carts. All drivers are required to wear helmet and use harnesses. The go-carts can be programmed for speed and carts can be stopped if someone is messing around on the track. Staff is CPR and first aid trained.

Witness

Edward Pimentel, AICP

The Collyer building is in the process of being reutilized and sits on 53 acres of industrial property. What applicant is proposing will not affect residential areas and the mill is being converted to light uses. He conducted a full parking analysis and the vast majority falls into manufacturing/wholesale designation. Applicant would need 247 parking spaces and only 35-50 would be used at any one time. Applicant needs a 197 parking space deviation.

Russell Hervieux, Zoning Official stated proposed use falls under other uses for indoor recreation. There are no specific parking requirements for indoor recreation. The Board needs to look at the parking requirements for the building. There is no need to grant deviation if it is not required.

Attorney DeSisto agreed with Mr. Pimentel that this property is being converted to different use and needs to conform to Town codes and perhaps needs a master parking plan. It may be appropriate to look at

the entire structure and decide where this use comes in.

Mr. Pimentel suggests obtaining a variance of 257 even though applicant would only need 50 spaces and use the surplus for future tenants. Attorney DeSisto stated a condition could be put in place limiting the number of parking spaces for this applicant and file a parking plan for the existing uses. Russell Hervieux stated every time a tenant comes in required number of parking spaces can be deducted from the surplus.

Chairman read into the record Planning Board/Technical Review Committee recommendation:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application package. This property contains one very large commercial building and associated parking areas. Currently, a variety of businesses are located within this building and an outdoor commercial storage area is located in the front portion of the parking lot along Higginson Avenue. The applicant is proposing to expand the amount of businesses within the building to include an indoor recreational use. The application shows the location of the existing businesses and the proposed business. The application also shows a proposed parking lot layout and parking space analysis.

The Planning Board recommends Approval with Conditions for this application for a special use permit for an indoor recreational use in

an industrial facility. The Planning Board encourages a variety of uses within large commercial facilities and complexes. The key to success for these large complexes is well defined parking areas. The application contains a proposed parking lot layout that appears to provide for well defined parking areas, safe vehicular travel into and within the site, and safe pedestrian passage to and from the businesses. However, a similar parking layout was presented and approved as part of a past zoning application for this property. The approved use moved into the building but the exterior parking lot layout was never developed. Therefore, as a condition of approval, the Planning Board recommends that the parking lot layout be developed as shown within the application and that the parking lot must be complete before a certificate of occupancy is issued.

No opposition present.

Motion made by Member Enander to grant the Dimensional Variance seeking relief for 187 parking spaces with a condition that the parking area be as shown on the submitted redesigned plans and completed before a Certificate of Occupancy is issued. He further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to**

realize greater financial gain.

- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience.**

Motion seconded by Member Oster. Motion carried by all present.

Motion made by Member Enander to grant the Special Use Permit allowing an indoor recreational use. Motion seconded by Member Kearns. Motion carried by all present.

UTGR Inc. d/b/a Twin River, 100 Twin River Road, Lincoln, RI – Application for Special Use Permit for the addition of three message board signs inside the casino property.

AP 42, Lot 24 Zoned: Commercial Recreation – 2

Represented by: Moshe Berman, Esquire

Chairman read into the record standards that need to be met for a Special Use Permit.

Proposed signage is for the safety and convenience of arriving patrons and will make the facility more competitive. All signage will be within on Twin River property and will have sensors to lighting. Signage will be placed fifty feet from residences and the ordinance

allows this type of use.

Witness:

Eric Clapproad, IT director for Twin River

Signage will be LED and it is conventional to have this type of lighting with sensors. There will be no use change and applicant will have staff to maintain content of the signs. All three signs are twelve feet high and five feet off the ground land will be continually lit. Programming is wireless

Chairman read into the record Planning Board/Technical Review Committee recommendation:

Opposed:

Hal Perry, 21 Twin River Road, Lincoln, RI

His property sits above the roadway and is level and he can see lights at the casino. He needs to shut his shades at night because of the brightness. He believes the existing lights at the casino are non-conforming and is afraid he will have to see the new lights at night.

Opposed:

Kim Ward

She wanted to see photos of the proposed signs.

Opposed:

June Jackson

Will there be any movement on the signs? Mr. Clapproad informed her they will be roadway signs and signage will be controlled. Signs will have a black background with red lettering

Chairman made a motion to approve the Special Use Permit with a condition that a total of 183.72 square feet will be restricted to the three signs. Motion seconded by Member Enander. Motion carried by all present.

Motion made by Member Kearns to adjourn the meeting. Motion seconded by Member Lyle. Motion carried by all present.

**Respectfully submitted,
Ghislaine D. Therien
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Recording Secretary**